



RECEIVED
NOV 04 2002
TC 1700



Docket No.: 204026US68PCT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTORNEYS AT LAW
STEPHEN G. BAXTER
(703) 413-3000
SBAXTER@OBLON.COM

RE: Application Serial No.: 09/805,770
Applicants: Howard E. PURDUM
Filing Date: June 25, 2001
For: METHODS AND APPARATUS FOR PROCESSING
TEMPERATURE SENSITIVE MATERIALS
Group Art Unit: 1723
Examiner: Kim

SIR:

Attached hereto for filing are the following papers:

Restriction Response

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter, Ph.D.

Registration No. 32,884



22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



RECEIVED

NOV 04 2002

TC 1700

#7/Response
11/3/02
[Signature]

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
HOWARD E. PURDUM : EXAMINER: KIM, SUN U.
SERIAL NO. : 09/805,770 :
FILED: JUNE 25, 2001 : GROUP ART UNIT: 1723
FOR: METHOD AND APPARATUS :
FOR PROCESSING
TEMPERATURE SENSITIVE
MATERIALS

RESTRICTION RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement dated October 1, 2002, Applicant elects,
with traverse, Group I, Claims 1-25.

REMARKS

The Examiner has required restriction in the above-identified application as follows:

Group I — Claims 1-25;

Group II — Claims 26-29 and 34;

Group III — Claims 30 and 31;

Group IV — Claims 32 and 33; and

Group V — Claims 35-39.

7

Applicant has elected, with traverse, Group I, Claims 1-25.

Restriction is only proper if the restricted inventions are independent or patentably distinct (M.P.E.P. § 803). The burden is on the Examiner to provide adequate reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims (M.P.E.P. § 803). Applicant respectfully traverses the Restriction Requirement on the ground that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between any of Groups I-V.

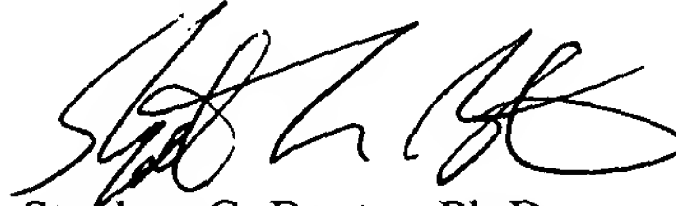
On page 3, the Examiner concedes that “[A]ll of the groupings are directed to a method and apparatus for processing a material.” However, the Examiner goes on to take the position that each group has a “different special technical feature not shared by the remaining groups.” The Examiner then goes on to list what is asserted to be the different special technical feature of each of the restricted Groups. However, the Examiner has not provided any reasons to support the conclusion that these features are indeed “different special technical features.”

Accordingly, the Restriction Requirement is improper and should be withdrawn.

Applicant submits that the application is now ready for examination on the merits, and
early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Stephen G. Baxter, Ph.D.
Attorney of Record
Registration No. 32,884



22850

(703) 413-3000
Fax #: (703) 413-2220
SGB/law

I:\atty\SGB\204026US-Resp.wpd